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REMARKS

The above-identified application is United States application serial number 09/737,435 filed on December 11, 2000. Applicant notes with appreciation that Claims 41-53 are allowed. Claims 2-5, 11-14, 18, 20-27, 31-42, and 52-58 are withdrawn from consideration. Claims 1, 6-10, 15-17, and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Guedalia *et al.* (US 2001/0043684) (hereafter Guedalia). Reconsideration of these rejections is requested in view of the remarks below.

Priority Date

Applicant notes that the present application was filed on December 11, 2000, which pre-dates the filing date of Guedalia on March 2, 2001. Guedalia relies on two provisional applications for priority dates of May 25, 2000 and April 5, 2000, which pre-date the present application. In the event the claims are not considered allowable after considering this response, Applicant would appreciate receiving copies of the relevant portions of the provisional applications to determine whether the portions of Guedalia relied on to reject the claims in the present case were present in the provisional applications.

Rejection of Claims Under 35 U.S.C. §102

Claim 1 sets forth "using a data connection to receive a plurality of descriptions of audio contents; receiving from the user a selection of a first description from among the plurality of descriptions; and automatically placing a voice call to play a first audio content described by the first description in response to the selection." (Emphasis added). In contrast, Guedalia Paragraph [0014] teaches placing a voice call to choose a category and select a particular broadcast. Responsive to this selection, Guedalia establishes a network connection with the particular broadcast. (Guedalia Paragraph [0014]). Guedalia does not automatically place a voice call in response to the selection because the voice call was previously made before the broadcast was selected. Claim 1 is distinguishable from Guedalia for at least these reasons.

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Claims 6-10 and 15-17 depend from Claim 1 and include features that further distinguish them from the cited references.

In particular, Claim 15 sets forth terminating the voice call on completion of playing of the first audio content. Guedalia paragraphs [0090] to [0093] were cited as teaching that the user can select a portion of audio content and the computer network transmits to the telephone the portion of the audio content. The Examiner then contends that the user can terminate the voice call after the audio content is played. Applicant respectfully submits, however, that requiring the user to terminate the call is distinguishable from the call being terminated upon completion of playing the first audio content. Claim 15 is distinguishable from Guedalia for at least these additional reasons.

Regarding Claim 16, Paragraph [0012] of Guedalia does not teach suspending the data connection during the voice call. Paragraph [0014] teaches receiving the news broadcast in a streaming audio format, and rendering the streaming audio to provide a telephone output. The term "streaming audio" is defined as when a user is actually listening to the audio file while it downloads. Instead of waiting for the entire file to download, and then playing the file, now a user may choose to stream the file and listen to it immediately. See Wollcott & Sheridan Aural Performance Library Frequently Asked Questions at <http://www.wsapl.com/faq.asp>, a copy of which is provided with this response. Thus, both the data connection to the Internet and the telephone must be enabled simultaneously with the Guedalia device to enable streaming audio.

Independent Claim 28 has been amended to include "automatically placing a voice call to play the audio content in response to the command", similar to Claim 1. Claim 28 is distinguishable from Guedalia for at least the same reasons as Claim 1.

Claims 29 and 30 depend from Claim 28 and include features that further distinguish them from the prior art. Allowance of Claims 1, 6-10, 15-17, and 28-30 is respectfully requested.

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CONCLUSION

Claims 43-51 are allowed. Applicant believes Claims 1, 6-10, 15-17, and 28-30 are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (703) 872-9300 on the date shown below:

Mary Jo Bertani
(Signature)

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(Printed Name of Person Signing Certificate)

October 25, 2004
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Respectfully submitted,

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Frequently Asked Questions

What is streaming audio?

The internet allow us to share audio file electronically. The most efficient way to offer our premium audio content is to use streaming audio. This is when a user is actually listening to the audio file while it downloads. Instead of waiting for the entire file to download, and then playing the file, now a user may choose to stream the file and listen to it immediately.* There is no loss of quality or content of the file. They're not any different than when you download the file independently, but by choosing to stream the file, you get to listen to it right now!

What is a SonicMovie™?

A SonicMovie is an Aural Performance™ that has been further enhanced through the use of sound effects and a musical score.

Why is broadband better?

A broadband, or high-speed, internet connection is much better for downloading and streaming MP3 audio files than 56K dialup connections simply because everything works much faster. For example, on a slow 56K dialup modem, at best you may download/stream 1MB in 10 minutes. On a broadband cable, DSL or other high-speed connection, this same 1MB file would take one minute or less!* Obviously more beneficial for internet audio (and everything else for that matter!)

What are MP3 files?

MP3 files are the best quality consumer-grade audio files that are primed for internet usage and transfer. With all of the multiple audio formats available today, MP3's have stood out above the rest because of their balance of file size and playing quality. For example, for 100% CD quality audio files, called WAV files (.wav), 1 minute of audio = approximately 10MB - yikes! But with new software widely available, excellent quality is available in MP3 files - at much smaller file sizes. MP3 files average between 3-6MB for an entire CD audio track. The closest in quality to actual CD sound.

WSAPL's MP3 files are a little larger than typical CD music tracks, though. This is because they are much longer in playing time and keep the high quality that we're known for completely intact. Is it worth it? Try out one of the freebies listed on our homepage and see for yourself!

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All you need is a computer with any of the myriads of different MP3 software players available on the Internet. Nearly all are free downloads and you can even pay for an upgrade that will help you to create your own MP3 files! Check out our Tools section for more details on different MP3 players and encoders.

What's an Aural Performance™?

An Aural Performance is an oral performance of a written work enhanced through the craft of our Sonic Story Tellers™ - professional actors who've lent their voices and likenesses to a variety of film, Television & Fortune 500 advertising campaigns.

What's a Living Document™?

A Living Document is a SonicMovie or an Aural Performance of a monumental historical document. Many of which were never delivered orally, even in their time. Through voice, emotion, music, sound effects . . . the true meaning of those works are brought to life, allowing the listener in a sense to aurally time travel and feel the significance of those words then and now.